

1956

March 19

NEW HAMPSHIRE LAW LIBRARY

Mrs. Edna Annis Elwell, Secretary
Teachers' Retirement System
State House Annex
Concord, New Hampshire

SEP 22 1998

CONCORD, N.H.

Dear Mrs. Elwell:

This is in response to your request of March 5th for our opinion as to whether under RSA 192:4 V a member of your system is entitled to credit for employment in the USAREUR dependents school system from September 1954 to June 1955.

The paragraph in question (RSA 192: 4

V provides:

"V. Any member who after the date of establishment terminated his employment in order to enter directly into the armed forces of the United States or other emergency wartime service of the United States approved by the board of trustees, shall be entitled to service credit for the period of such military or other wartime service, provided he is reemployed as a teacher within a year after the termination of such military or other wartime service, unless he is prevented from such reemployment by virtue of disability incurred during the period of such military or other wartime service, and provided further that he elects to make all payments to the system he would have been required to make had he been employed as a teacher during the period of such military or other wartime service."

You indicated in our discussion of this question that the member in question was a civilian employee of the United States government rather than actually in military service. The problem is therefore resolved to whether the aforementioned service comes within the definition of "other emergency wartime service of the United States."

Mrs. Edna Annis Elwell, Secretary

-2-

It is the opinion of this office that employment with USAREUR cannot be construed as other emergency wartime service. An emergency is a sudden unexpected occurrence requiring immediate action to meet its dangers. In addition the statute requires wartime service. While this might conceivably extend beyond the period of actual hostilities it would not appear that the Legislature contemplated that service such as this be included.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/T